THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.17132 OF 2006

DATED: 21ST AUGUST, 2006.

Between :

Dr. Bhaskar Rao … Petitioner

And

1. The Commissioner of Prohibition & Excise, Nampally, Hyderabad, and 3 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.17132 OF 2006

ORDER :

The petitioner claims to be a medical practitioner running a Nursing Home, R.R. Street, Nellore.

It is stated that the 3rd respondent herein proposed to establish a bar and restaurant in the name and style of Kokila Bar and Restaurant in the locality and the premises where the bar and restaurant is proposed to be established is within 100 mts from the Nursing Home of the petitioner. It is stated that the proposed premises is also situated within 100 mts from a temple. In the circumstances, the petitioner along with other residents of the locality made a representation dated 11-8-2006 to the 1st respondent – Commissioner of Prohibition & Excise requesting not to grant a licence to the 3rd respondent.

This writ petition is filed alleging that the respondents failed to consider the objections raised in their representation dated 11-8-2006.

I have heard the learned Counsel for the petitioner and the learned Counsel appearing for the 3rd respondent as well as the learned Government Pleader appearing for the respondents 1, 2 and 4.

The 3rd respondent filed a counter-affidavit stating that the Deputy Commissioner of Prohibition & Excise, having made necessary enquiry, has already accorded permission for establishing a bar at Door No.15-188/1, R.R. Street, Nellore. A copy of the said

proceedings, dated 16-8-2006 has been placed before this Court.

Since the competent authority after making enquiry has already passed an order as to the suitability of the premises in question, if the petitioner is aggrieved, it is open to him to file an appeal as provided under Section 63 of the A.P. Excise Act, 1968. Particularly in view of the fact that the matter involves several disputed questions of fact, I am not inclined to entertain this writ petition.

Accordingly, the Writ Petition is dismissed. However, the petitioner is granted liberty to work out the appropriate remedy as available under law, if so advisednm. No costs.

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G. ROHINI, J.

Dt. 21-8-2006

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